

08/03/00
JC891 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A-59553-2/DAV/JJD

Anticipated Classification of
this Application:

Class: Subclass:

Prior Application: 09/018,599

Examiner: NOT YET KNOWN

Art Unit: NOT YET KNOWN

"EXPRESS MAIL" MAILING LABEL
ENTER CLASSIFICATION

I HEREBY CERTIFY THAT THIS PAPER & FEE IS BEING
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SERIAL

08/03/00
JC891 U.S. PTO
09/632149

Box PATENT APPLICATION FEE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a request for filing an

- ☐ Original
☒ Continuation
☐ Divisional
☐ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of R. ANDREW CUTHBERTSON, for
OCULAR GENE THERAPY. This ☒ continuation ☐ divisional ☐ continuation-
in-part claims priority to pending application Serial No. 09/018,599, filed
on February 4, 1998, which is a continuation of application Serial No.
08/332,566, filed October 31, 1994.

1. (a) ☐ Enclosed is a new application.
(b) ☐ Enclosed is a continuation-in-part application.
(c) ☒ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.

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b) X Enclosed is a copy of the prior executed Declaration as originally filed.

c) Enclosed is a Combined Declaration/Power of Attorney.

3. a) Enclosed is a Small Entity Affidavit.

b) A Small Entity Affidavit is of record in the prior application.

4. X The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
FOR:			RATE	FEE	OF	RATE	FEE
BASIC FEE				\$345	OF		\$690
TOTAL CLAIMS	<u>10</u> -20 = *	<u>0</u>	x 9 =	\$	OF	x 18 =	\$
INDEP CLAIMS	<u>1</u> -3 = *	<u>0</u>	x 39 =	\$	OF	x 78 =	\$
[] MULTIPLE DEPENDENT CLAIM PRESENTED			+130 =	\$	OF	+260 =	\$
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			TOTAL	\$	OF TOTAL		\$690

5. X The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Our File No. A-59553-2/DAV/JJD).

6. X Our check in the amount of \$ 690.00 is enclosed.

7. Cancel in this application original claims of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. X Amend the specification by inserting before the first line the sentence:

--This is a X continuation division continuation-in-part of pending application Serial No. 09/013,599, filed February 4, 1998, which is a continuation of application Serial No. 08/332,566, filed October 31, 1994, which issued as U.S. Patent No. 5,827,702 on October 27, 1998.--

9. (a) X Informal drawings are enclosed, 2 sheets.

b) Formal drawings are enclosed, sheets.

10. (a) Priority of application Serial No. filed on in is claimed under 35 U.S.C. 119.

(b) The certified copy has been filed in prior application Serial No. filed on .

11. An Assignment is enclosed.

12. _____ The prior application is assigned of record to _____
GENENTECH, INC.

13. _____ A Power of Attorney by Assignee is enclosed.

14. X The power of attorney in the prior application is to:

FLEHR, HOHBACH, TEST, ALBRITTON & HERBERT

(name)

Suite 3400, Four Embarcadero Center

(address)

San Francisco, California 94111-4187

(a) X The power appears in the original papers in the prior application.

(b) _____ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

(c) X Address all future communications to:

DOLLY A. VANCE, ESQ.

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

Suite 3400, Four Embarcadero Center

San Francisco, California 94111-4187

Telephone: (415) 781-1989

15. X A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

16. _____ A Prior Art Statement is enclosed.

17. X I hereby verify that the attached papers are a true duplicate of prior application Serial No. 08/332,566 as originally filed on October 31, 1994.

Date: 8-3-00

Dolly A. Vance

DOLLY A. VANCE, ESQ.

Reg. No. 39,954

Address of Signer:

X Attorney or agent of record

FLEHR HOHBACH TEST

ALBRITTON & HERBERT LLP

FOUR EMBARCADERO CENTER, SUITE 3400

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Filed under Section 1.34(a)